

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Civil Action No. : 1:10-cv-00569-RJA

Plaintiff,

v.

NOTICE OF MOTION FOR
SANCTIONS FOR SPOILATION
OF FACEBOOK CONTRACT BY
DEFENDANTS

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, accompanying exhibits and the Declaration of Thomas Martin, Mr. Ceglia will move this Court, at a date and time to be set by the Court, for an order:

1. An order prohibiting Defendants from disputing the authenticity of the Facebook Contract; or
2. An order directing the jury to presume that absent Defendants' experts mishandling of the Facebook Contract, it is likely that usable fingerprints would have been recovered and that evidence would have been helpful to Mr. Ceglia's case; or
3. An order prohibiting Facebook from mentioning to the jury in any way, or questioning any witness about the absence of usable fingerprints recovered from the Facebook Contract.

Pursuant to Local Civil Rule of Procedure 7 of this Court, Plaintiff requests

an oral argument and states his intention to file and serve a reply to Defendants' response to this motion.

Respectfully submitted,

/s/Dean Boland

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